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IN THE SENATE OF THE UNITED STATES.

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JUNE 4, 1896.—Ordered to be printed.

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Mr. GALLINGER, from the Committee on Pensions, submitted the following

**REPORT:**

[To accompany H. R. 1892.]

The Committee on Pensions, to whom was referred the bill (H. R. 1892) granting a pension to Catharine Darragh, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted, and the passage of the bill is recommended.

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HOUSE REPORT.

A bill to pension this woman was favorably reported from this committee in the Fifty-third Congress, and the report is as follows:

"It appears that the petitioner is the widow of John Darragh, to whom she was married in Ireland August 16, 1848. That she has not remarried since his death in 1861 is shown by testimony of several witnesses.

"The records of the War Department show that John Darragh enlisted in Company G, One hundred and tenth Pennsylvania Volunteers, November 7, 1861, and was found dead on the railroad at Harrisburg December 14, 1861. No further evidence as to cause of death is at hand except a statement from the coroner of Dauphin County, Pa., to the effect that the records of his office show that an inquest was held on December 14, 1861, on the body of a soldier named John Darragh, and the verdict of the jury was that he came to his death by being run over by a train of cars near Camp Custer, on the Pennsylvania Railroad, and that he was a member of Captain Cotterell's company of volunteers. The petitioner states that her husband was coming home on a visit on furlough when killed. In view of the absence of anything to show that the soldier met his death through any fault of his own, and that this widow with some equitable title to pension has remained a widow and unpensioned for thirty-three years, your committee recommend the passage of the bill."

The following is the decision of Assistant Secretary Bussey, rendered on an appeal from the action of the Pension Office in rejecting the claim. The decision is dated July 22, 1892:

The COMMISSIONER OF PENSIONS.

SIR: Herewith are returned the papers in the claim of Catharine Darragh, widow, No. 270009.

According to the claim of the widow herself, the soldier, who was her husband, and on account of whose death pension is claimed, was absent from his command and on his way home to visit his family when he was killed on the railroad by being run over by a train of cars.

The latter fact is shown by the records of the office of the coroner of Dauphin County, Pa.

The case has before been presented to this Department, upon appeal, and the rejection of your office was affirmed, because the soldier was not shown to be in the line of duty.

The case is now again presented without any denial of the manner or circumstances of death, and with no new facts to strengthen the claim.

It is presented simply upon an earnest argument by the attorney attempting to show why a soldier regularly on furlough should be held and considered in the line of duty.

But this question need not be discussed again, because this Department has already so frequently discussed, in decisions which are publicly and generally known, the grounds upon which a soldier upon individual furlough is legally held to have assumed all personal risk during his absence from his command, and, further, that the law which extended the line of duty to men upon sick or veteran furlough did so in express and exact terms, and failed to extend the provision to soldiers upon personal or individual furlough.

The papers show, also, that this widow has filed and had rejected a claim under the act of June 27, 1890, on the ground that the soldier died in the service and was not, therefore, honorably discharged therefrom. This decision is also in conformity with the rulings of this Department, based upon its interpretation of the law.

Your action in this claim is reaffirmed and reconsideration is denied.

Very respectfully,

CYRUS BUSSEY, *Assistant Secretary.*

The writer of this report was of the opinion that the death might be accepted as an honorable discharge and favored a report at \$8 per month, but the committee directed a report at \$12 per month, on the ground that death while on individual furlough was in the line of duty.

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